

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**GARY DAVENPORT, et al.,
Plaintiffs,**

V.

**ADVANCE EMS SERVICES, INC., ET AL
Defendants.**

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C.A. NO. C-04-430

**ORDER SETTING SCHEDULING CONFERENCE AND ORDER
TO PREPARE AMENDED JOINT REPORT/CASE MANAGEMENT PLAN**

This case is set for a scheduling conference on **Thursday, October 20, 2005, at 1:15 p.m.** before undersigned United States Magistrate Judge. Counsel shall prepare and file, on or before Tuesday, October 18, 2005, an Amended Joint Discovery/Case Management Plan based upon the attached proposed scheduling order.

ORDERED this 28th day of July, 2005.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

GARY DAVENPORT, ET AL.

V.

ADVANCE EMS SERVICES IND., ET AL.

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C. A. No. C-04-430

**AMENDED
SCHEDULING ORDER**

1. **JURY SELECTION AND TRIAL ARE SET FOR Monday, April 10, 2006 at 9:00 a.m.**
before Chief Judge H. W. Head, Jr. at the United States District Court, Third Floor Courtroom 310, 1133 N. Shoreline Blvd., Corpus Christi, Texas. If the parties prepare this case for trial sooner than this date, a joint pretrial order may be prepared and filed with a joint motion stating that the case is ready for trial and that an earlier trial date is requested.
2. **FINAL PRETRIAL CONFERENCE IS SET FOR Thursday, April 6, 2006 at 1:15 p.m.**
, before Judge H. W. Head, Jr. at the United States District Court, Third Floor Courtroom 310, 1133 N. Shoreline Blvd., Corpus Christi, Texas. The attorney-in-charge for each party is required to be present.
3. **THE ORIGINAL AND ONE COPY OF YOUR JOINT PRETRIAL ORDER SHALL BE FILED NO LATER THAN March 30, 2005.** This satisfies the requirement of FRCP 26 (a)(3). Plaintiff will be responsible for the filing of a joint pretrial order, executed by the attorney-in-charge for each party, and conforming fully with the form set out in Appendix B of the Local Rules of the Southern District of Texas (2000). Plaintiff shall allow all parties at least **fifteen (15) working days** for review and contribution. A motion for leave to file a joint pretrial order without the signature of all counsel must be made, showing good cause, to obtain authority to file a pretrial order without all required signatures. Differences of the parties with respect to any matter relevant to a pretrial order will be set forth in the joint pretrial order at the appropriate place. Willful or indifferent failure to submit a well-prepared

- joint pretrial order in a timely fashion or to respond to its completion is cause for dismissal in the case of Plaintiff, or in the case of Defendant, is cause for default.
4. **EXCEPT FOR GOOD CAUSE SHOWN, THE DEADLINE FOR FILING DISPOSITIVE MOTIONS IS January 10, 2006.** Failure to respond timely will be considered by the Court as if the motion is unopposed, and the motion may be granted. Legal memoranda greater in length than 25 pages will **NOT** be filed without leave of Court. If deposition testimony is attached as an exhibit, it shall be submitted in the “condensed” or “mini-script” format. No reply to the opposition to a motion will be filed by movant without leave of Court on good cause.
 5. The provisions of the **JOINT DISCOVERY/CASE MANAGEMENT PLAN** are hereby adopted.
 6. **THE DEADLINE FOR JOINDER OF PARTIES IS Closed. THE DEADLINE FOR AMENDMENT OF PLEADING IS December 12, 2005.** This provision does not relieve the parties from obtaining leave to file pleading or add parties whenever required by the Federal Rules of Civil Procedure.
 7. **DISCOVERY** shall end on **January 10, 2006**. **DESIGNATION OF EXPERTS**, by all parties, are due **November 10, 2005**. **RESPONSIVE EXPERTS** are due **20 DAYS** prior to the Discovery deadline. Responsive experts will not be limited to rebuttal testimony. **Written Reports** that fully comply with Federal Rules of Civil Procedure 26 (a)(2)(B) shall be due at the time of designation of each expert. Parties are ordered to file only proposed witnesses with Court, pursuant to Federal Rules of Civil Procedure 26, but **NOT** reports or other discovery materials. Hearings on expert testimony and/or qualifications (i.e. Daubert and Markman) shall be requested no later than the deadline for discovery.
 8. All pleading, motions, briefs, memoranda, and requests for affirmative relief will be directed to the Court, **IN PLEADING FORM**, not correspondence form, through the United States District Clerk:

United States District Clerk
1133 N. Shoreline Blvd.
Corpus Christi, TX 78401

You are requested **NOT** to use the informality of letter briefs, letters citing authorities, or letters requesting continuances or other affirmative relief. Additionally, do not copy the Court on letters between the parties.

ORDERED this _____ day of _____, 2005.

B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE